

Parking and Loading set forth in Subsection 11.7 of the Zoning Ordinance on the approval date shall be counted, for the purpose of applying the limitations set forth in Subsection A.6.c. of this Section III as zoning lot land area developed with high density apartment buildings.

f. From and after the date of the fifteenth annual anniversary of the approval date, Subsections b.(1), b.(2) and b.(3) of this Subsection 14. shall be deemed modified to incorporate those requirements of the Zoning Ordinance on such anniversary date which shall have modified or replaced the requirements of the Zoning Ordinance which have been incorporated in this Plan Description by Subsections b.(1), b.(2) and b.(3) of this Subsection 14.

B. Design Standards and Required Land Improvements.

To the extent that any development in the District is subject to the provisions of City Ordinance No. 3446 (hereinafter called the "Subdivision Control Ordinance"), the design standards and required land improvements provided for in Articles IV and V of said ordinance shall apply, subject to the modifications and exceptions provided for in Section IV hereof.

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICT

Plan Description

Part One

Section IV

Requested Modifications and Exceptions from the Zoning
Ordinance and the Subdivision Control Ordinance

A. Zoning Ordinance Modifications and Exceptions.

The District shall not be subject to those provisions of the Zoning Ordinance listed below and described as inapplicable. With respect to those provisions of the Zoning Ordinance listed below and shown in modified form, the District shall be subject thereto only as so modified.

1. Subsection 3.2 (22) shall be modified
to read as follows:

"(22) BUILDING, PRINCIPAL. A building in which is conducted one of the principal uses of the zoning lot on which it is situated."

2. Subsection 3.2. (23) shall be modified to
read as follows:

"(23) BUILDING SETBACK LINE. A line parallel to a street line, a boundary line of the District or a boundary line of a use Area in the District at the distance from it required by Subsections III A.3. or III A.7. hereof."

3. Subsection 3.2. (39) shall be modified to read as follows:

"(39) DWELLING, ROW (PARTY-WALL). A row of two to eight attached, one-family, party-wall dwellings."

4. Subsection 4.3 shall be inapplicable.

5. Subsection 4.4 shall be modified to read as follows:

"4.4. ZONING OF STREETS, ALLEYS, PUBLIC WAYS AND RAILROAD RIGHTS-OF-WAY. All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same use district or use Area as the property immediately abutting upon such streets, alleys, public ways and railroad rights-of-way. Where the center line of a street, alley or public way serves as a district or use Area boundary, the zoning of such street, alley or public-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line."

6. Subsection 4.5 shall be modified in part to read as follows:

"4.5. BOUNDARY LINES. Wherever any uncertainty exists as to the boundary of the District or of any use Area in the District, as shown

on any Preliminary or Final Plan, the following rules shall apply:"

7. Subsection 4.5-1 shall be modified to read as follows:

"4.5-1. Where District or use Area boundary lines are indicated as following streets, alleys or similar rights-of-way, they shall be construed as following the center lines thereof."

8. Subsection 4.5-2 shall be modified to read as follows:

"4.5-2. Where District or use Area boundary lines are indicated as approximately following zoning lot lines, such zoning lot lines shall be construed to be such boundaries."

9. Subsection 4.5-3 shall be inapplicable.

10. Subsection 5.3-1 shall be modified to read as follows:

"5.3-1. No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height or bulk, a higher percentage of lot coverage or smaller open space about it than permissible under the limitations set forth in this Plan Description."

11. Subsection 5.3-3 shall be inapplicable.

12. Subsections 5.4, 5.4-1, 5.4-2, 5.4-3 and 5.4-4 shall be inapplicable.

13. Subsection 5.5-1 shall be inapplicable.

14. Subsection 5.5-2 shall be inapplicable.

15. Subsection 5.6 shall be modified to read as follows:

"5.6. LOCATION OF BUILDINGS. Every building shall be constructed or erected on a zoning lot which abuts a public dedicated street, court or cul-de-sac or a private street, drive, driveway, court, or cul-de-sac which provides permanent easement of access to a public street, drive, court or cul-de-sac, which easement of access shall have a minimum width of twenty-five feet."

16. Subsection 5.8 shall be modified to read as follows:

"5.8. BUILDINGS ON A ZONING LOT. Every building hereafter erected or structurally altered shall be located on a zoning lot as such term is used and described in this Plan Description. Except as otherwise limited by this Plan Description, one or more principal buildings and one or more accessory buildings may be located on a zoning lot. A zoning lot may be used for

any one or more of the uses permitted
in the use Area in which the zoning lot
is located."

17. Subsection 5.9 shall be inapplicable.

18. Subsection 5.10 shall be inapplicable.

19. Section 6 shall be inapplicable.

20. Section 7.1 shall be modified in part to
read as follows:

"7.1. AUTHORITY. The City Council shall
have the authority to permit by ordinance
the following uses of land or structures
or both, subject to the conditions con-
tained in Section 14.6 of the Zoning
Ordinance; provided, that any of the
following uses which is a permitted use
pursuant to Subsections A.1.c., B.1.c.,
or C.1.b. of Section II hereof shall not
require authorization of the City Council
by ordinance pursuant to Section 14.6
of the Zoning Ordinance, but shall be
subject to the provisions of Subsection
A.9. of Section III hereof."

21. Subsections 8.1, 8.2 and 8.4 shall be
inapplicable.

22. Section 9 shall be inapplicable.

23. Subsection 10.2-6.2 shall be modified to read as follows:

"10.2-6.2. Floor Area. The term 'floor area' as employed in this parking and loading Section, in the case of office, merchandising or service types of use, shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. The term 'floor area', for the purposes of this Section, shall not include any area used for:

- a.) Storage accessory to the principal use or uses of a building;
- b.) Incidental repairs;
- c.) Processing or packaging of merchandise;
- d.) Show windows or offices incidental to the management or maintenance of a store or a building;
- e.) Rest rooms;
- f.) Utilities;
- g.) Dressing, fitting or alteration rooms;
- h.) Malls or service corridors; or
- i.) Parking facilities."

24. Subsection 10.3-1 shall be modified to read as follows:

"10.3-1. USE OF PARKING FACILITIES. Off-street parking facilities accessory to dwellings located in Residential Areas shall be used solely for the parking of passenger automobiles owned by occupants of the dwellings to which such facilities are accessory or by employees and guests of said occupants. Under no circumstances shall required parking facilities accessory to such dwellings be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments, except as permitted in Subsection 10.3-5 as modified by this Plan Description."

25. Subsection 10.3-2 shall be modified to read as follows:

"10.3-2. JOINT PARKING FACILITIES. Off-street parking facilities for different buildings, structures or uses or for mixed uses may be provided collectively in any use Area in which separate parking facilities for each constituent use would be permitted and the total number of spaces so located together may be less than the sum of the separate requirements for each use if a time diversity factor between each use is shown."

26. Subsection 10.3-3 shall be modified to read as follows:

"10.3-3. CONTROL OF OFF-SITE FACILITIES. When required accessory off-street parking facilities are provided elsewhere than on the property on which the use served is located, they shall be in the same possession, either by deed, long-term lease or other arrangement, as the property occupied by such use, and the owner shall be bound by covenants filed of record in the office of the Recorder of Deeds of the county in which the property is located, requiring the owner and his or her heirs and assigns to maintain the required number of parking spaces during the existence of said use."

27. Subsection 10.3-4 shall be modified to read as follows:

"10.3-4. PERMITTED USE AREAS FOR ACCESSORY PARKING. Accessory parking facilities provided elsewhere than on the same zoning lot with the use served may be located in any use Area except that no parking facilities accessory to a business or manufacturing use shall be located in a Residential Area except when authorized by the City Council as prescribed hereinafter in Subsection 10.3-5 as modified by this Plan Description."

28. Subsection 10.3-5 shall be modified to read as follows:

"10.3-5. NONRESIDENTIAL PARKING IN RESIDENTIAL AREA. Accessory off-street parking facilities serving nonresidential uses of property may be permitted in any Residential Area when authorized by the City Council, which authorization may be given as part of the approval of a Preliminary or Final Plan, and, in any case, shall be subject to the following requirements in addition to all other relevant requirements of this Section:

a.) The parking facility shall be accessory to and for use in connection with one or more non-residential establishments located in adjoining use Areas.

b.) The parking facility shall be used solely for the parking of passenger automobiles.

c.) No commercial repair work or service of any kind shall be conducted on the parking facility.

d.) No sign of any kind other than signs designating entrances, exits, and conditions of use, shall be maintained on the parking facility, and no sign shall exceed twenty square feet in area.

e.) Each entrance to and exit from the parking facility shall be at least five feet distant from any adjacent property located in any Residential Area, except where ingress and egress to

the parking facility is provided from a public alley or public way separating the Residential Area from the parking facility."

29. Subsection 10.3-6.1 shall be modified to read as follows:

"10.3-6.1. Parking Space--Description. A required off-street parking space shall be an area of not less than one hundred and sixty-one and one-half square feet nor less than eight and one-half feet wide by nineteen feet long (exclusive of access drives or aisles, ramps, columns, or office and work areas) accessible from streets or alleys, or from private driveways or aisles leading to streets or alleys, to be used for the storage or parking of passenger automobiles and commercial vehicles under one and one-half ton capacity where permitted under this Ordinance. Aisles between vehicular parking spaces shall not be less than twelve feet in width when serving vehicles parked at an angle of forty-five degrees to the axis of an aisle accommodating one-way traffic, nor less than twenty feet in width when serving vehicles parked perpendicular to the axis of an aisle accommodating two-way traffic, nor less than seventeen feet in width when serving vehicles parked at an

angle of sixty degrees to the axis of an aisle accommodating two-way traffic."

30. Subsection 10.3-6.3 shall be modified to read as follows:

"10.3-6.3. Open and Enclosed Spaces. Parking areas may be open or enclosed."

31. Subsection 10.3-6.4 shall be modified to read as follows:

"10.3-6.4. Access. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic."

32. Subsection 10.3-6.5 shall be modified to read as follows:

"10.3-6.5. Signs. No sign shall be displayed in any parking area within Residential Areas except such as may be necessary for the orderly use of the parking facilities."

33. Subsection 10.3-6.6 shall be inapplicable.

34. Subsection 10.4-1.2 shall be modified to read as follows:

"10.4-1.2. Location. No permitted or required loading berth shall be closer than fifty feet

to any Residential Area unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof not less than six feet in height. No permitted or required loading berth shall be located within twenty-five feet of the nearest point of intersection of any two streets."

35. Subsection 10.5-1.1 shall be modified to read as follows:

"10.5-1.1. For one-family detached or two-family dwellings located on individual zoning lots, the required off-street parking facilities shall be provided on the same zoning lot with the dwelling they are required to serve."

36. Subsection 10.5-1.2 shall be inapplicable.

37. Subsection 10.5-1.3 shall be modified to read as follows:

"10.5-1.3. For one-family detached or two-family dwellings not located on individual zoning lots and for multiple-family dwellings, apartments or one-family row dwellings (party-wall), the required off-street parking facilities shall be provided on the same zoning lot where the building they are required to serve is located or on a separate zoning lot or parcel of land, in either case not more than

three hundred feet from the nearest entrance to the building they are intended to serve."

38. Subsection 10.5-1.4 shall be modified to read as follows:

"10.5-1.4. For rooming houses, lodging houses, clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, dormitories, sorority and fraternity houses, and for other similar uses, the off-street parking facilities required shall be provided on a zoning lot or parcel of land not more than five hundred feet from the nearest entrance to the building they are intended to serve measured from the nearest point of the parking facility; provided that the zoning lot or parcel of land intended for the parking facility is located in the same use Area as is the building which the parking facility is intended to serve."

39. Subsection 10.5-1.5 shall be modified to read as follows:

"10.5-1.5. For uses other than those specified above, off-street parking facilities shall be provided on the same zoning lot as the building being served or on a separate zoning lot or parcel of land, in either case not over one

thousand feet from the nearest entrance to the building being served measured from the nearest point of the parking facility; provided that the zoning lot or parcel of land intended for the parking facility is located in the same use Area as is the building which the parking facility is intended to serve."

40. Subsection 10.6-2 shall be modified to read as follows:

"10.6-2. For buildings containing three or more dwelling units:

(a) A dwelling unit with two or more bedrooms; two parking spaces per dwelling unit.

(b) A dwelling unit with one bedroom; one and one-half parking spaces per dwelling unit.

(c) An efficiency dwelling unit; one parking space per dwelling unit.

(d) For every building containing three or more dwelling units which is located in a Residential Area of the District, the parking requirements provided for in Subsections (a), (b) and (c) of this Subsection 10.6-2 may, with the approval of the City Council, be reduced

by twenty-five percent if a station stop of a public surface transportation system is located no more than one thousand feet from the nearest point of such building. Such approval by the City Council may be given as part of the approval of any Preliminary or Final Plan."

41. Subsection 10.6-19 shall be modified to read as follows:

"10.6-19. The parking facilities required for mixed uses shall be the sum of the requirements for the various individual uses computed separately in accordance with this Section, and parking facilities for one use may be considered as providing the required parking facilities for another use if a time diversity factor is shown."

42. Except for the incorporation of permitted use descriptions in Section II hereof, Sections 11, 12 and 13 shall be inapplicable. For the purpose of such incorporated permitted use descriptions Subsection 12.2-1.1 shall be modified to read as follows:

"12.2-1.1. Dwelling units, provided that they are located above the ground floor and that the zoning lot area coverage and floor area ratio limitations provided for in Subsection A. 5.b. of Section III hereof are complied with."

43. Clause (a) of Subsection 14.7-6 shall be modified to read as follows:

"(a) Within such time periods as are prescribed in Subsection 14.7-8, Preliminary Plans for all or specified development phases of the District shall be submitted for approval in accordance with the procedures set forth in Subsection 14.7-12. Approval of Preliminary Plans may not be withheld for reasons that would be inconsistent with the approved Plan Description. Preliminary Plans may contain reasonable variations from the approved Plan Description. In approving a Preliminary Plan, the City Council may, without further public hearing, also approve changes from the Plan Description which exceed the scope of such reasonable variations, provided that no such change is a 'major change' as defined in clause (b) of Subsection 14.7-6, below."

44. Subsection 14.7-15 shall be modified to read as follows:

"14.7-15. PERMITS. Building, zoning and occupancy permits shall be required for each structure in the District. No building permit relating to any part of the District shall be issued prior to the approval of a Final Plan for such part of the District in accordance with the provisions of this Subsection 14.7;

provided that, subject to the approval of the City Engineer, mass grading and excavation operations may be carried on prior to the approval of such Final Plan; and, provided further, that if authorized by the City Council and subject to such conditions as may be prescribed in such authorization, building permits relating to any part of the District may be issued prior to the approval of a Final Plan for such part of the District."

B. Subdivision Control Ordinance Modifications and Exceptions.

The District shall not be subject to those provisions of the Subdivision Control Ordinance listed below and described as inapplicable. With respect to those provisions of the Subdivision Control Ordinance listed below and shown in modified form, the District shall be subject thereto only as so modified. With respect to Subsection 1. below, the Subdivision Control Ordinance, in its application to the District, shall be deemed generally modified in accordance therewith.

1. The words "improvement", "improvements", "public improvements" and "street improvements", wherever used in the Subdivision Control Ordinance, shall be deemed to mean only those land improvements which are required

to be dedicated to the City or to the State of Illinois or a unit of local government (hereinafter called "other public body") pursuant to the provisions of said Ordinance as modified by this Plan Description, and the design standards set forth in Sections 43-59, 43-60 and 43-61 of the Subdivision Control Ordinance, as modified by this Plan Description, shall be applicable only to such required land improvements.

2. Section 43-5 shall be modified to read as follows:

"Sec. 43-5. EFFECT OF CONFLICTS.

Where the conditions imposed upon the use of land by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, the regulations which are more restrictive or which impose higher standards or requirements shall govern; provided, that where the conditions imposed upon the use of land by any provision of this chapter which have been modified by this Plan Description are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, the conditions imposed by the provisions of this chapter which have been so modified shall govern. Where the conditions imposed upon the use of land by any provision

of this chapter, as modified by this Plan Description, are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, rule or regulation of any kind, the conditions imposed by the provisions of this chapter, as modified by this Plan Description, shall govern."

3. Section 43-11 shall be modified to read as follows:

"Sec. 43-11. COMPLIANCE PREREQUISITE TO BUILDING PERMIT.

No building permit shall be issued by any governing official for the construction of any building, structure or improvement to the land or any lot within a subdivision as defined herein, which has been approved for platting or replatting, until all requirements of this chapter have been fully complied with; provided that with the approval of the City Engineer, mass grading and excavation operations may be carried on in areas covered by a preliminary plat approved pursuant to the provisions of this ordinance or in areas covered by a Preliminary Plan approved pursuant to Subsection 14.7 of the Zoning Ordinance."

4. Section 43-12 shall be modified to read as follows:

"Sec. 43-12. PREREQUISITE TO OCCUPANCY PERMITS.

No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and until roadways providing access to the subject lot or lots have been constructed or are in the course of construction; provided, that an occupancy permit may be granted if the City Engineer has approved the use of temporary utility facilities and roadways pending completion of the required permanent utility facilities and roadways."

5. Subsection (a) of Section 43-16 shall be modified to read as follows:

"(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land; provided that with the approval of the City Engineer, mass grading and excavation operations may be carried on in areas covered by a preliminary plat approved pursuant to the provisions of this ordinance or in areas covered by a Preliminary Plan approved pursuant to Subsection 14.7 of the Zoning Ordinance."

6. Subsection (c) of Section 43-16 shall be modified to read as follows:

"(c) Unless authorized by the City Engineer, no improvements, such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving, or surfacing of streets, shall hereafter be made by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent."

7. Subsection (C) of Section 43-31 shall be modified to read as follows:

"(C) OTHER PRELIMINARY PLANS. When required by the Plan Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions within the District for a reasonable distance beyond the limits of the proposed subdivision and extensions outside of the District for such a reasonable distance where such new streets connect with existing streets outside of the District; typical cross sections of the proposed grading, roadway, and sidewalks; and preliminary plan of proposed sanitary and storm water sewers with grades

and sizes indicated. All elevations shall be based on the city datum plane or the USGS datum plane."

8. Subsection (D) of Section 43-31 shall be inapplicable.

9. Subsection (b) of Section 43-32 shall be modified to read as follows:

"(b) Typical cross sections and profiles of streets showing grades approved by the City Engineer. The profiles shall be drawn to city standard scales and elevations and shall be based on the city datum plane or the USGS datum plane."

10. Subsection (a) of Section 43-45 shall be modified to read as follows:

"(a) The subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified below. Thirty copies of the preliminary plat and supplementary material specified shall be submitted to the City Clerk, on forms provided by the City Clerk, with written application for approval. The preliminary plat and fee, as required by this chapter, shall be submitted

to the City Clerk at least thirty days prior to the regular meeting of the Plan Commission to receive action thereon at that meeting."

11. Subsection (d)(3) of Section 43-45 shall be modified to read as follows:

"(3) Approval of the preliminary plat shall be effective until the expiration of the eighteen-year period following the approval date (as defined in Subsection A.1. of Section II hereof) unless, upon application of the subdivider, the City Council grants an extension. The application for said extension shall not require an additional filing fee, or the submittal of additional copies of the plat of subdivision."

12. Subsection (c) of Section 43-46 shall be modified to read as follows:

"(c) A final plat for all or a portion of the area covered by any approved preliminary plat, prepared as specified in Article II, shall be submitted to the City Clerk for approval prior to the expiration of the eighteen-year period following the approval date (as defined in Subsection A.1. of Section II hereof) unless, upon application of the subdivider, the City Council grants an extension. Such an application shall

not require an additional fee or filing of additional copies of the plat. Every final plat submitted for approval shall be submitted in thirty counterparts."

13. Subsection (f)(3) of Section 43-46 shall be modified to read as follows:

"(3) Upon approval by the City Council, the subdivider shall record the plat with the county recorder of the county or counties in which the property is located within six months or such longer period as may be approved by the City Council. If not recorded within such time, the approval shall be null and void. Immediately after recording, the original tracing or a duly certified cloth or mylar reproducible copy shall be filed with the City Engineer."

14. Subsection (a) of Section 43-47 shall be modified to read as follows:

"(a) The final plat shall be approved by the City Council before recording and such approval shall not be given until the subdivider has complied with the requirements of this Section. No building permit may be issued until the final plat has been recorded; provided that with the approval of the City Engineer, mass grading and excavation operations may be carried on in areas

covered by a preliminary plat approved pursuant to the provisions of this ordinance or in areas covered by a Preliminary Plan approved pursuant to Subsection 14.7 of the Zoning Ordinance."

15. Subsection (a)(1) of Section 43-47 shall be modified to read as follows:

"(1) After approval of the preliminary plat the subdivider may present plans and specifications for all improvements to the City Engineer for approval. Upon approval by the City Engineer, and by all other pertinent authorities, the subdivider may construct and install all such improvements. On approval and certification of completion of such improvements by the City Engineer, the final plat shall be submitted as herein provided for approval, and, upon approval, may be recorded. If engineering plans require substantial changes from the preliminary plat, as approved, the subdivider shall, prior to constructing the improvements, revise and resubmit the preliminary plat for reapproval, and such resubmission shall not require the payment of additional fees."

16. Subsection (a)(2) of Section 43-47 shall be modified to read as follows:

"(2) In lieu of actual construction of the improvements, as provided in (1) above, the subdivider may post with the City Clerk, cash, negotiable securities, an irrevocable letter of credit issued by a bank authorized to do business in the State of Illinois, or a surety bond running to the City with sureties acceptable to the City Council or with sureties whose surety bonds for similar improvements are acceptable to the State of Illinois, in any case, in an amount sufficient to cover the full list of said improvements in such amounts as shall have been approved by the City Engineer and conditioned on the completion and acceptance by the City Engineer of all improvements within two years from the approval of the final plat. Upon acceptance of such cash, negotiable securities, irrevocable letter of credit or surety bond, approval of plans and specifications for all improvements by the City Engineer and approval of the final plat by the City Council, such plat may be recorded."

17. Subsection (a)(3) of Section 43-47 shall be modified to read as follows:

"(3) In lieu of the provisions of (1) or (2) above, the subdivider may submit with his final plat his plans and specifications for all improvements and evidence of a binding

agreement with a responsible contractor for the installation of all such improvements within two years after the approval of the final plat, together with a performance bond running to the City with sureties acceptable to the City Council or with sureties whose performance bonds for similar improvements are acceptable to the State of Illinois. Upon approval of the plans and specifications by the City Engineer and other interested agencies and of the agreement, bond and final plat by the City Council, such plat may be recorded."

18. Subsection (b) of Section 43-47 shall be modified to read as follows:

"(b) Upon acceptance of the improvements or any substantial portion thereof by the City, any cash, negotiable securities, letter of credit, or bond posted with the City with respect to such improvements or such portion pursuant to Subsections (a)(2) or (a)(3) above shall promptly be returned to the subdivider. The subdivider shall in the case of improvements installed pursuant to Subsections (a)(1), (a)(2) or (a)(3) of this Section 43-47, as modified by this Plan Description, be responsible for defects in construction of all improvements for one year following their acceptance by the City, and shall guarantee the correction of any such defects by posting cash, negotiable

securities, an irrevocable letter of credit issued by a bank authorized to do business in the State of Illinois, or a surety bond with sureties approved by the City Council or with sureties whose surety bonds for similar improvements are acceptable to the State of Illinois in the amount of twenty percent of the cost of such improvements. The fulfillment of this requirement is a condition to approval of the final plat, and is in addition to the requirements of Subsection (a) of this Section. Unless there is a pending unresolved claim by the City with respect to any defects in construction of such improvements, such cash, negotiable securities, letter of credit or bond shall promptly be returned to the subdivider at the end of such one-year period."

19. Section 43-48 of the Subdivision Control Ordinance shall be inapplicable and in lieu thereof the following provisions shall govern the open space, park, recreation land and school site land reservation and dedication obligations which shall apply to the District:

a. Open Space, Park and Recreation Land.

Land shall be reserved in each Region of the District for public open space, park and recreation areas. The amount of land to be so reserved shall be five and one-half acres for each one thousand persons estimated to be included in the total residential population of such Region, using for

the purpose of such estimate the Table of Estimated Ultimate Population set forth in Subsection D of Section 43-48 of the Subdivision Control Ordinance (hereinafter called "Table of Estimated Population"). As a condition to the approval by the City Council of any Final Plan for a development phase of a Region of the District pursuant to Subsection 14.7 of the Zoning Ordinance, which Final Plan includes land reserved for public open space, park and recreational areas, the City Council shall require (i) a dedication of the reserved land to the City or to another public body approved by the developer and the City Council, or (ii) a contractual commitment from the developer obligating the developer to dedicate the reserved land to the City or such other public body within such time period as may be specified by the City Council, which time period shall not, without the developer's approval, be longer than one year commencing with the date of such Final Plan approval; provided, that:

(1) Such dedication obligation shall, at the request of the developer be conditioned upon the execution, prior to such dedication, of a legally binding agreement between the developer and the City, or between the developer and such other public body to which such land is to be dedicated, which agreement shall provide, among other matters, that: